

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

No. 07-296V

Filed: August 11, 2009

Not for Publication

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LUKE JAI JAI RAM, by and through his *

parents and natural guardians, SHAHEMA *

and BALMOUKOUND JAI JAI RAM, *

Petitioners, *

v. *

SECRETARY OF THE DEPARTMENT *

OF HEALTH AND HUMAN SERVICES, *

Respondent. *

***** *

ATTORNEY FEES AND COSTS DECISION

Vowell, Special Master:

On July 16, 2009, petitioners filed a [41] motion for attorney fees and costs. On August 4, 2009, petitioners filed a [42] joint stipulation regarding the attorney fees and costs application. In the joint stipulation, the amount requested was amended to a total of **\$26,500.00** in attorney fees and costs to which respondent did not object.¹

Petitioners originally requested a total of **\$28,761.66**. The requested amount represented **\$99.80** for litigation costs personally incurred by petitioners, **\$11,179.84** for litigation costs incurred by petitioners' counsel, Anne Toale, and **\$14,503.50** for attorney fees, and **\$2,978.52** in attorney fees and costs for the guardianship attorney, Norman B. Getson. In the joint stipulation, the parties agreed to reduce the total award to **\$26,500.00**.

As compensation was awarded, petitioners are entitled to a reasonable award for fees and costs, pursuant to 42 U.S.C. § 300aa-15(e)(1). The adjusted proposed amounts seem reasonable and appropriate. Accordingly, I hereby award the total of

¹ An agreement between the parties to settle attorney fees and costs does not relieve petitioner from the obligation to document costs, because the special master still has the statutory obligation to determine that the amounts requested are reasonable.

\$26,500.00² issued as:

- **\$99.80**, in the form of a check payable to petitioners, Shahema and Balmoukound Jai Jai Ram, for litigation costs incurred personally.
- **\$26,400.20**, in the form of a check payable jointly to petitioners and petitioners' counsel, Anne Toale, for attorney fees and costs.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.³

IT IS SO ORDERED.

s/ Denise K. Vowell

Denise K. Vowell

Special Master

² This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. *See generally, Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir. 1991).

³ Entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review. *See Vaccine Rule 11(a)*.